

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 20, 1997
SAN FRANCISCO, CALIFORNIA**

S062139
1st Dist.
A070954
Div. 1

Kransco, Appellant

International Insurance Company et al., Respondents

v.

American Empire Surplus Lines Insurance Company, Appellant

Petition for review GRANTED.

The issues to be argued before this court shall be limited to (1) Whether an insurer may assert an affirmative defense of the insured's comparative bad faith in a bad faith action brought against the insurer and (2) Whether California public policy prevents the recovery of punitive damages awarded against the insured in the underlying action as consequential damages in the bad faith action against the insurers where the underlying action was decided in a foreign jurisdiction permitting indemnification of punitive damages.

Submission of additional briefing on the second issue is deferred pending further order of the court.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S062147 People, Respondent

5th Dist. v.

F024902 Raymond L. Diaz, Appellant

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Hendrix*, S055725, *People v. Nelson*, S053008, and *People v. Jefferson*, S057834 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Respondent's petition for review DENIED.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S062520 Muldoon Elder, Respondent

1st Dist. v.

A075880 Pacific Bank, N.A. et al., Appellants

Div. 3 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Santisas v. Goodin*, S0050326 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S062627 Eduardo Calatayud III et al., Respondents
2nd Dist. v.
B079230 State of California et al., Appellants
Div. 4 Petition for review GRANTED.

George, C.J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S062661 Stormedia, Inc. et al., Petitioners
6th Dist. v.
H016807 Santa Clara County Superior Court, Respondent
Sara Werczberger, Real Party in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Diamond Multimedia, Inc. v. Superior Court*, S062661 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S062749 Katrina Yeaw, Appellant
3rd Dist. v.
C023607 Boy Scouts of America et al., Respondents
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Curran v. Boy Scouts of America*, S039738 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S062848 In re the Marriage of Johnson
1st Dist. -----
A073790 Jerry R. Johnson, Appellant
Div. 4 v.
Rita D. Johnson, Respondent
Appellant's petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S062850 In re the Marriage of Lehman
1st Dist. -----
A073791 Marietta Lehman, Respondent
Div. 4 v.

Jack R. Lehman, Appellant
Appellant's petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegarr, J.
Chin, J.
Brown, J.

S006640 People, Respondent
 v.
Gary Dale Hines, Appellant
Petition for rehearing DENIED.
Opinion modified.

S061412 Todd-Ao Corporation, etc., Petitioner
 v.
California Public Utilities Commission, Respondent
United Parcel Service, Real Party in Interest
Petition for writ of review DENIED.

S062832 In the Matter of Stephen B. Fainsbert, a Member
 of the State Bar of California
 Petition for writ of review and request for order directing State
 Bar to expunge records DENIED.
 Mosk, J., and Werdegarr, J., are of the opinion the petition should
 be granted.

S038251 In re Michael Anthony Cox
 on
Habeas Corpus
Petition for writ of habeas corpus DENIED on the merits.

S062705 In re Bernard Lee Hamilton
 on
 Habeas Corpus

The petition for writ of habeas corpus is denied on the substantive ground that it is without merit. Separately and independently, it is denied on the procedural ground (*Harris v. Reed* (1989) 489 U.S. 255, 264, fn. 10) that it is untimely, without justification or excuse and outside any exception, including that for a fundamental miscarriage of justice (see generally *In re Clark* (1993) 5 Cal.4th 750, 763-799): the claims therein were not presented within a reasonable time after their legal and factual bases were, or should have been, discovered (see *id.* at pp. 784-785).

The “Request for Funds for DNA Testing” is denied.

Mosk, J., and Brown, J., would deny the petition solely on the merits.

S063126 In re Richard Allen Benson
 on
 Habeas Corpus

The petition for writ of habeas corpus is denied on the substantive ground that it is without merit. Separately and independently, the first through eleventh claims therein (petn., pp. 66–115), and the fourteenth claim insofar as it alleges ‘deni[al of] meaningful appellate review’ (*id.*, pp. 126–136), are each denied on the procedural ground (see *Harris v. Reed* (1989) 489 U.S. 255, 264, fn. 10) that it is untimely, without justification or excuse and outside any exception, including that for a fundamental miscarriage of justice (see generally *In re Clark* (1993) 5 Cal.4th 750, 763–799): it was not presented within a reasonable time after its legal and factual bases were, or should have been, discovered (see *id.* at pp. 784–785). Separately and independently, the third and fourth claims therein (petn., pp. 80–85) are each denied on the procedural ground (see *Harris v. Reed, supra*, 489 U.S. at p. 264, fn. 10) that it is pretermitted, without justification or excuse and outside any exception (see generally *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3, 829–841): it could have been, but was not, raised on appeal (see *In re Dixon* (1953) 41 Cal.2d 756, 759). Separately and independently, the fifth through seventh and eleventh claims therein (petn., pp. 85–94, 106–115) are each denied on the procedural ground (see *Harris v. Reed, supra*, 489 U.S. at p. 264, fn. 10) that it is repetitive, without

justification or excuse and outside any exception (see generally *In re Harris, supra*, 5 Cal.4th at pp. 829–841): it was raised and rejected on appeal (see *In re Waltreus* (1965) 62 Cal.2d 218, 225).

Mosk, J., and Brown, J., would deny the petition solely on the merits.

1st Dist. Todd-Ao Corporation, Appellant
A070126 v.
Div. 5 United Parcel Service Incorporated, Appellant
S056244 Petition for review DENIED.

1st Dist. William Rooz, Appellant
A071398 v.
Div. 3 David Kimmel et al., Respondents
S062797 Petition for review DENIED.

1st Dist. People, Respondent
A071862 v.
Div. 5 Nathaniel Murry Lee, Appellant
S062209 Respondent's petition for review DENIED.
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed April 23, 1997, which appears as modified at 54 Cal.App.4th 559. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)
Kennard, J., and Chin, J., are of the view the opinion should remain published.

1st Dist. People, Respondent
A072407 v.
Div. 1 Ronnie Alol Madrid, Appellant
S062807 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A073390 v.
Div. 2 Anthony Starkes, Appellant
S062818 Appellant's petition for review DENIED.

1st Dist. A074137 Div. 2 S062295	In re Brandon M., a Person Coming Under the Juvenile Court Law ----- Sonoma County Human Services Departments et al., Respondents v. Evita H., Appellant Petition for review DENIED. The request for an order directing depublication of the opinion is DENIED.
1st Dist. A076561 Div. 2 S062898	Angela Abrego, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
1st Dist. A076892 Div. 2 S063503	United Services Automobile Association, Petitioner v. Patricia A. McColm, Appellant Petition and application for stay DENIED.
1st Dist. A077904 Div. 2 S062827	Ralph Lee Parker, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
2nd Dist. B093124 Div. 4 S062606	Conservatorship of the Person and Estate of Elsie M. Allen ----- Diane McLindon, Appellant v. Lynda Kayel, Respondent Petition for review DENIED.
2nd Dist. B094699 Div. 4 S062821	People, Respondent v. Jose Antonio Hernandez, Appellant Appellant's petition for review DENIED.
2nd Dist. B094809 Div. 2 S062102	People, Respondent v. Gary Diggs, Appellant Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B097938 v.
Div. 7 David I. Rivas et al., Appellants
S062038 Appellants' petitions for review DENIED.

2nd Dist. 6420 Wilshire Associates et al., Appellants
B098007 v.
Div. 2 Pathe Communications Corporation et al., Respondents
S062149 Appellants' petition for review DENIED.

2nd Dist. Thomas Monteleone, Respondent
B098425 v.
Div. 2 Morton Minikes, Appellant
S062762 Appellant's petition for review DENIED.

2nd Dist. Walter L. Haines, Appellant
B098540 v.
Div. 5 Haines Russ McMurry & De Recat et al., Respondents
S062338 Appellant's petition for review DENIED.

2nd Dist. Steve Maikisch, Appellant
B098600 v.
Div. 6 Pacific Gas & Electric Company et al., Respondents
S062899 Appellant's petition for review DENIED.
The requests for an order directing publication of the opinion in
the above entitled cause are DENIED.
Baxter, J., and Chin, J., did not participate.

2nd Dist. People, Respondent
B099365 v.
Div. 1 Lawrence Douglas Edison, Jr., Appellant
S062692 Appellant's petition for review DENIED.

2nd Dist. In re the Marriage of William M. Keck II and Susan Quinn Keck
B099387 -----
4th Dist. William M. Keck II, Respondent
S062802 v.
Susan Quinn Keck, Appellant
Petition for review DENIED.

2nd Dist. B099716 Div. 1 S062804	People, Respondent v. Francisco Soria et al., Appellants Appellants' petition for review DENIED.
2nd Dist. B099788 Div. 2 S062712	People, Respondent v. Chaveliaee Hammons, Appellant Appellant's petition for review DENIED.
2nd Dist. B099855 Div. 3 S062755	People, Respondent v. David Velasquez, Appellant Appellant's petition for review DENIED.
2nd Dist. B100216 Div. 6 S062162	People, Respondent v. Lionel Peter Chavez, Appellant Appellant's petition for review DENIED.
2nd Dist. B100519 Div. 3 S062720	Bruce A. Thabit, Respondent v. Bank of America National Trust & Savings Assoc., Appellant Respondent's petition for review DENIED. Baxter, J., and Chin, J., did not participate.
2nd Dist. B101203 Div. 7 S062184	People, Respondent v. Darren Steven Cloyd, Appellant Appellant's petition for review DENIED. Kennard, J., and Werdegar, J., are of the opinion the petition should be granted.
2nd Dist. B101485 Div. 1 S062767	People, Respondent v. Brian Keith Lambert, Appellant Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102229 v.
Div. 4 Felipe Isaac Rodriguez, Appellant
S062858 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102351 v.
Div. 4 Elbert Jones, Appellant
S062914 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102764 v.
Div. 1 Dana R. Desosa, Appellant
S062795 Appellant's petition for review DENIED.

2nd Dist. Yaichiro Minami, Respondent
B102807 v.
Div. 6 Security Farms et al., Appellants
S062825 Respondent's petition for review DENIED.

2nd Dist. People, Respondent
B102833 v.
Div. 5 Vincent Charles Green, Appellant
S062866 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102866 v.
Div. 2 Robert James Lefthand, Appellant
S062600 Appellant's petition for review DENIED without prejudice to
filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

2nd Dist. People, Respondent
B103198 v.
Div. 1 James J. Dorr, Appellant
S061943 Appellant's petition for review DENIED.

2nd Dist. B. J. McNorton, Petitioner
B103487 v.
Div. 4 Workers' Compensation Appeals Board et al., Respondents
S062411 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. People, Respondent
B103814 v.
Div. 7 Wayne J. Harris, Appellant
S062865 Appellant's petition for review DENIED.

2nd Dist. Dorothy Fenmore, Appellant
B103910 v.
Div. 7 Loeb & Loeb et al., Respondents
S062805 Respondents' petition for review DENIED.

2nd Dist. Vicki Georges Hufnagel, Appellant
B105213 v.
Div. 5 Medical Board of California, Respondent
S062838 Petition for review DENIED.

2nd Dist. Diane A. Ward et al., Petitioners
B105280 v.
Div. 2 Los Angeles County Superior Court, Respondent
S056732 Beverlywood Homes Association, Real Party in Interest
Real Party in Interest's petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should
be granted.

2nd Dist. People, Respondent
B105322 v.
Div. 6 Michael Edward Allen, Appellant
S062370 Petition for review DENIED.

2nd Dist. People, Respondent
B105842 v.
Div. 7 Sylvester Reynolds, Appellant
S062796 Appellant's petition for review DENIED.

2nd Dist. F A I R, etc. et al., Appellants
B105879 V.
Div. 6 City of San Bernardino, etc. et al., Respondents
S062968 Petition for review DENIED.

2nd Dist. People, Respondent
B106133 v.
Div. 2 Victor Gill Calvin, Appellant
S062751 Appellant's petition for review DENIED.

2nd Dist. Melissa Gilbert, Respondent
B106923 v.
Div. 1 National Enquirer Incorporated, Appellant
S062352 Appellant's petition for review DENIED.
Werdegarr, J., did not participate.

2nd Dist. People, Respondent
B108224 v.
Div. 6 Thomas William Bland, Appellant
S062918 Appellant's petition for review DENIED.

2nd Dist. Paula Insurance Company, Petitioner
B109669 v.
Div. 5 Workers' Compensation Appeals Board, Respondent
S062894 Juan Gallegos, Respondent
Petition for review DENIED.

3rd Dist. Margaret Magnan, Petitioner
B111768 v.
Div. 6 Workers' Compensation Appeals Board, Respondent
S062753 Jafra Cosmetics
Petition for review DENIED.

2nd Dist. In re Anthony Brown
B112430 on
Div. 2 Habeas Corpus
S062376 Petition for review DENIED.

2nd Dist. In re Ralph Mendoza Lopez
B112659 on
Div. 1 Habeas Corpus
S062816 Petition for review DENIED.

2nd Dist. David Rudich, Petitioner
B112836 v.
Div. 5 Los Angeles County Superior Court, Respondent
S062613 Victoria Jackson, Real Party in Interest
Petition for review DENIED.

2nd Dist. CBS Incorporated, Petitioner
B112856 v.
Div. 2 Los Angeles County Superior Court, Respondent
S062480 Mitchell Gold, Real Party in Interest
Petition for review DENIED.

2nd Dist. Methods Machine Tools, Inc., Petitioner
B112983 v.
Div. 6 Ventura County Superior Court, Respondent
S063232 Lapp Machine & Pump Service, Inc., Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. In re Albert Tolento
B113249 on
Div. 5 Habeas Corpus
S062733 Petition for review DENIED.

2nd Dist. In re Kenneth Grant Stauffer
B113261 on
Div. 3 Habeas Corpus
S062887 Petition for review DENIED.

2nd Dist. Gregory Forrest, Petitioner
B113332 v.
Div. 1 Los Angeles County Superior Court, Respondent
S062743 Laurie Forrest, Real Party in Interest
Petition for review DENIED.

2nd Dist. Focus Media, Inc., Petitioner
B113389 v.
Div. 2 Los Angeles County Superior Court, Respondent
S062881 Gary R. Tobey, Real Party in Interest
Application for stay, request for judicial notice, and petition for review DENIED.

2nd Dist. Max Keller, Petitioner
B113959 v.
Div. 1 Los Angeles County Superior Court, Respondent
S063576 Sheryl Hardy, Real Party in Interest
Application for stay and petition for review DENIED.

3rd Dist. People, Respondent
C020563 v.
S062456 Robert Licciardi, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C021139 v.
S062053 Roland John Thomas Weber, Appellant
Appellant's petition for review DENIED.

3rd Dist. Frank Norried et al., Appellants
C021161 v.
S062772 Board of Supervisors of the County of Calaveras, Respondent
Appellants' petition for review DENIED.

3rd Dist. People, Respondent
C023128 v.
S062871 Richard Smith, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023258 v.
S062759 Darrell Anthony Sweigart, Appellant
Appellant's petition for review DENIED.

3rd Dist. C023344 S062763	People, Respondent v. Victor Charles Harvey, Jr., Appellant Appellant's petition for review DENIED.
3rd Dist. C024037 S062874	People, Respondent v. Nyas Abdullah Cooks, Appellant Appellant's petition for review DENIED.
4th Dist. D024413 Div. 1 S062083	People, Respondent v. Christopher Jones, Appellant Appellant's petition for review DENIED.
4th Dist. D024630 D027281 Div. 1 S062044	People, Respondent v. Nathaniel Woods, Appellant Appellant's petition for review DENIED.
4th Dist. D025400 Div. 1 S062950	People, Respondent v. Harold Dwayne Jones, Appellant Appellant's petition for review DENIED.
4th Dist. D025464 Div. 1 S062357	People, Respondent v. Antoine Lamont Pittman, Appellant Appellant's petition for review DENIED.
4th Dist. D025514 Div. 1 S062877	People, Respondent v. Sammy Vallez, Appellant Appellant's petition for review DENIED.
4th Dist. D025761 Div. 1 S062711	People, Respondent v. Emiliano Sanchez Ramirez, Appellant Appellant's petition for review DENIED.

4th Dist. People, Respondent
D026940 v.
Div. 1 Michael Kenneth Hermanson, Appellant
S062852 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E016542 v.
E019160 James Frank Kaiser, Appellant
Div. 2 -----
S062163 In re James Frank Kaiser on Habeas Corpus
Appellant's petition for review DENIED.

4th Dist. People, Respondent
E017041 v.
Div. 2 Damien M. George, Appellant
S062725 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E017082 v.
Div. 2 Brian Alan Crabb, Appellant
S062912 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E017309 v.
Div. 2 Wenndever Ordonez, Appellant
S062167 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E017509 v.
Div. 2 James Lloyd Kimo Auld, Appellant
S062775 Appellant's petition for review DENIED without prejudice to
filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

4th Dist. People, Respondent
E017604 v.
Div. 2 Richard Wiley Huff, Appellant
S062882 Appellant's petition for review DENIED without prejudice to
filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

4th Dist. People, Respondent
E017707 v.
Div. 2 Timothy Lamont Thomas, Appellant
S062346 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E017922 v.
Div. 2 Terry Jay Lacey, Appellant
S062826 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E018433 v.
Div. 2 Glen Harlon Davis, Appellant
S062872 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E018545 v.
Div. 2 Danny McDowell, Appellant
S062713 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E018658 v.
Div. 2 Marc Deaton, Appellant
S061776 Appellant's petitions for review DENIED.

4th Dist. People, Respondent
E018661 v.
E020091 Van Houston, Appellant
Div. 2 -----
S062050 In re Van Houston on Habeas Corpus
Appellant's petition for review DENIED.

4th Dist. E019048 Div. 2 S062862	People, Respondent v. Robert Jefferson Bonds, Appellant Appellant's petition for review DENIED.
4th Dist. E020471 Div. 2 S062857	In re Freddie Aguirre on Habeas Corpus Petition for review DENIED.
4th Dist. G016002 Div. 3 S062799	Al Chegeni, Appellant v. Gordon Soladar et al., Respondents Respondents' petition for review DENIED.
4th Dist. G017197 Div. 3 S062698	Michael George Kunec, Respondent v. Brea Redevelopment Agency, Appellant Appellant's petition for review DENIED.
4th Dist. G018120 Div. 3 S062434	People, Respondent v. Jerry Lee Alonzo, Jr., Appellant Appellant's petition for review DENIED.
4th Dist. G018374 Div. 3 S062891	People, Respondent v. Gene Fitzgerald Parker, Appellant Appellant's petition for review DENIED.
4th Dist. G018694 Div. 3 S062764	People, Respondent v. Rene Ramon Castro, Appellant Appellant's petition for review DENIED.
4th Dist. G018716 Div. 3 S062688	People, Respondent v. Thomas Glen Rollins, Appellant Appellant's petition for review DENIED.

4th Dist. People, Respondent
G018804 v.
Div. 3 Steven Frank Caputo, Appellant
S062687 Appellant's petition for review DENIED without prejudice to
filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

4th Dist. People, Respondent
G018885 v.
Div. 3 Russell Edward Hogle, Appellant
S062348 Appellant's petition for review DENIED.

4th Dist. In re Christopher T., a Person Coming Under the
G019305 Juvenile Court Law
Div. 3 -----
S062731 People, Respondent
v.
Christopher T., Appellant
Appellant's petition for review DENIED.

4th Dist. In re Hector Moreno Rodriguez
G021553 on
Div. 3 Habeas Corpus
S062941 Petition for review DENIED.

5th Dist. People, Respondent
F023994 v.
F026017 Alexander Komarenko, Appellant
S062621 -----
In re Alexander Komarenko on Habeas Corpus
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F024174 v.
S062849 Marlon D. Edwards, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F024895 v.
S062659 Victor Trevino, Appellant
Appellant's petition for review DENIED without prejudice to
filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

5th Dist. People, Respondent
F025194 v.
S062242 Raymond Henry Callahan, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F025286 v.
S062042 Rodney Ray Rappe, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F025476 v.
S062722 Donald Ray O'Dell, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F026485 v.
S062809 William F. Huntley, Appellant
Appellant's petition for review DENIED without prejudice to
filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

5th Dist. In re Robert McNeely
F028245 on
S062019 Habeas Corpus
Petition for review DENIED.

5th Dist. In re Michael A. Christopher
F028256 on
S061966 Habeas Corpus
Petition for review DENIED.

5th Dist. In re Boris Vinogradoff
F028490 on
S062685 Habeas Corpus
Petition for review DENIED.

5th Dist. Ramon Z. Mendoza III, Petitioner
F028543 v.
S062615 Tulare County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

6th Dist. People, Respondent
H014026 v.
S061920 Dat Tan Nguyen, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

6th Dist. People, Respondent
H014877 v.
S062808 Eric Francisco Lucio, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015098 v.
S062642 Michael Lamar Love, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015276 v.
S062779 Sean Lee McKibben et al., Appellants
Appellants' petition for review DENIED.

6th Dist. Christopher R. Wojciechowski, Appellant
H015703 v.
S062828 Harry J. Kim et al., Respondents
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015809 v.
S062724 Jesus Ochoa Arzola, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015930 v.
S062856 Ralph Cornell Jenkins, Appellant
Appellant's petition for review DENIED.

6th Dist. Fred L. Kirchner, Petitioner
H016733 v.
S062696 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.

1st Dist. People, Respondent
A072629 v.
Div. 4 Maurice Gaines, Appellant
S061785 The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Harold A. Caballero et al., Appellants
B098154 v.
Div. 3 Gibson Dunn & Crutcher et al., Respondents
S062903 The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

2nd Dist. People, Respondent
B101674 v.
Div. 3 Will Stokley et al., Respondents
S061967 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Melissa Gilbert, Respondent
B103962 v.
Div. 1 National Enquirer Incorporated, Appellant
S061213 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.
Werdegarr, J., did not participate.

- 3rd Dist. Richard Douglas Oliver, Appellant
C019091 v.
S060614 Dixon Arnett et al., Respondents
The request for an order directing publication of the opinion in the above entitled cause is DENIED.
- 3rd Dist. Division of Labor Standards Enforcement, Appellant
D025865 v.
Div. 1 Industrial Company of San Diego, Inc. et al., Respondents
S062928 The request for an order directing publication of the opinion in the above entitled cause is DENIED.
- 4th Dist. James Franklin, Appellant
E016149 v.
Div. 2 Tarmac California Incorporated, Respondent
S062137 The request for an order directing publication of the opinion in the above entitled cause is DENIED.
- 4th Dist. People, Respondent
E016866 v.
Div. 2 Lamavis Comundoiwillla et al., Appellants
S062071 The request for an order directing publication of the opinion in the above entitled cause is DENIED.
- 4th Dist. People, Respondent
E018720 v.
Div. 2 Terry Birkett, Appellant
S062379 The time for granting or denying review in the above cause is hereby extended to and including September 19, 1997, or the date upon which review is either granted or denied.
- S061148 In re **Timothy Lee Taggart** on Discipline
Petition for writ of review DENIED.
It is ordered that **Timothy Lee Taggart** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions, including restitution, and seven months actual suspension, recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed February 18, 1997, as amended by its order filed March 12, 1997. The discipline shall

be concurrent with that ordered in S061220. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S061220 In re **Timothy Lee Taggart** on Discipline
Petition for writ of review DENIED.

It is ordered that **Timothy Lee Taggart** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed November 22, 1996. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days respectively, after the date this order is effective.* (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and shall be added to and become part of the membership fee for the next calendar year. (Bus. & Prof. Code, § 6140.7.)

S061979 In re **Robert Craig Woll** on Discipline

It is ordered that **Robert Craig Woll** be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 6, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is

effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S061980 In re **Ernest Porras** on Discipline

It is ordered that **Ernest Porras** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed April 25, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6140.7 (as amended effective January 1, 1997).

S061982 In re **David M. Garland** on Discipline

It is hereby ordered that **David M. Garland** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S062001 In re **Kevin James Quinn** on Discipline

It is hereby ordered that **Kevin James Quinn** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Costs are awarded to the State Bar pursuant to Bus. & Prof. Code § 6086.10 payable in accordance with Bus. & Prof. Code § 6140.7, as amended effective January 1, 1997.

S062003 In re **Jay Wesley Donato** on Discipline

It is ordered that **Jay Wesley Donato** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 30 days and until he makes restitution to the Law Offices of Kosmo and Tator in the amount of \$654.00, plus

10% interest per annum from October 7, 1994, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed April 15, 1997. If the period of actual suspension is two years or more, he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or within the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If the period of actual suspension is 90 days or longer, it is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and payable in accordance with section 6140.7, as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S062005 In re **Joseph Gellman** on Discipline

It is ordered that **Joseph Gellman** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on conditions that he be actually suspended for 45 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed April 25, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code, § 6140.7 (as amended effective January 1, 1997) and one-half

thereon shall be added to and become part of the membership fee for the next calendar years 1998 and 1999, respectively.

S062057 In re **Frederick Armand Romero** on Discipline

It is ordered that **Frederick Armand Romero** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed April 11, 1997, as modified by its order filed May 7, 1997. Costs are awarded to the State Bar and shall be added to and become part of the membership fee for the next calendar year. (Bus. & Prof. Code, § 6140.7.)

S062059 In re **Thomas Michael Banks** on Discipline

It is ordered that **Thomas Michael Banks** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 120 days actual suspension, as recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 2, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S062061 In re **George John Ronis** on Discipline

It is ordered that **George John Ronis** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for thirty days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed April 25, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6140.7 (as amended effective January 1, 1997).

